

# **EXHIBIT B**

**TO THE DECLARATION OF ADA K. WONG IN SUPPORT  
OF PLAINTIFF'S THIRD MOTION TO COMPEL DISCOVERY  
RESPONSES**

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JILLIAN HORMAN, an individual,

Plaintiff,

v.

SUNBELT RENTALS, INC., *et al.*,

Defendants.

Case No. 2:20-cv-00564-TSZ

**PLAINTIFF'S FOURTH SET OF  
REQUESTS FOR PRODUCTION TO  
DEFENDANT SUNBELT RENTALS,  
INC.**

TO: SUNBELT RENTALS, INC., Defendant

AND TO: SHANE P. CRAMER, PATRICIA J. HILL and YASH B. DAVE, Counsel for  
Defendant

SET NO.: FOUR

Plaintiff Jillian Horman, in her individual capacity herein, hereby serves these Requests  
for Production upon Defendant Sunbelt Rentals, Inc.

***THIS IS A REQUEST FOR PRODUCTION, PURSUANT TO FED. R. CIV. P. 34.***

Please produce requested items for inspection and copying at the offices of Ada K.  
Wong, AKW Law, P.C., 6100 219<sup>th</sup> Street SW, Suite 480, Mountlake Terrace, WA 98043,  
thirty (30) days from the date of service of this set of Requests for Production upon you.

1 Be advised that the Requests for Production herein apply to all information and items  
2 within your knowledge or control, and that of your attorneys, agents, representatives and other  
3 persons acting on your behalf.

4 If there are any additions, deletions or changes in the answers or information provided  
5 at any time prior to trial, you are specifically directed to immediately so inform plaintiff's  
6 counsel. If additional documents are discovered between the time of making these answers  
7 and the time of trial, these Requests for Production are directed to that information. If such  
8 documents are not seasonably furnished within a reasonable time prior to trial, the undersigned  
9 will move at or before trial to exclude from evidence any such documents known to you or in  
10 your possession or that of your attorneys, agents, liability insurers, and others acting on your  
11 behalf, and will request other appropriate sanctions.

## 12 DEFINITIONS

13 As used herein:

14 1. **Communication.** The term "communication" means any oral or written  
15 expression or exchange of information by speech, writing, or conduct including, but not limited  
16 to, in-person conversations, telephone conversations, correspondence, email messages, text  
17 messages, electronic instant messages, social media messages, and all other forms of  
18 communication.

19 2. **Document.** The term "document" shall be used in its broadest sense as  
20 permitted by Federal Rules of Civil Procedure 26 and 34 and means all writings of every kind  
21 including, but not limited to, the original or any legible copy of all records, letters,  
22 correspondence, appointment books, diaries, files, notes, statements, memoranda or minutes  
23 of meetings, conferences and telephone calls, emails, faxes, receipts, written reports or

1 opinions of investigators or experts, status reports, drawings, charts, photographs, negatives,  
 2 brochures, lists, schedules, manuals, technical notes or standards, expense accounts, financial  
 3 statements or audit reports, however produced or reproduced, within your possession or subject  
 4 to your control, of which you have knowledge or to which you now have or previously had  
 5 access. The term “document” includes drafts and copies that are not identical duplicates of the  
 6 originals, and copies of documents, the originals of which are not in your possession, custody,  
 7 or control.

8       3.       ***Identity of Individuals.*** Where the name or identity of an individual person is  
 9 requested, or where the term “identify” is used in reference to an individual person, please state  
 10 with respect to each such person:

- 11               a.       Full name;
- 12               b.       Current or last known residence address, and telephone number;
- 13               c.       Current or last known business address and telephone number;
- 14               d.       All known email addresses;
- 15               e.       Current position or occupation;
- 16               f.       Employer;
- 17               g.       His or her present whereabouts and his or her present employment
- 18 position and business affiliation at the time in question; and,
- 19               h.       Relationship to you.

20       Unless it otherwise appears from the context, a request for the identity of a person  
 21 relates to all persons in such classification or category.

22       4.       ***Identity of Document.*** The term “identify,” when used in reference to a  
 23 document, means to state with respect to each document:

- 1 a. Title of document;
- 2 b. The date of preparation of the document;
- 3 c. The name and title of each author, sender, creator and initiator of such
- 4 document;
- 5 d. The name and title of recipient, addressee, or party for whom such
- 6 document was intended (if any);
- 7 e. The nature of the document (e.g., letter, memorandum, tape) and other
- 8 means of identification sufficient to identify the document for purposes of a request for
- 9 production, and to further state its present location and custodian;
- 10 f. Source from whom or from which you obtained the document;
- 11 g. Number of pages the document comprises;
- 12 h. Production number(s); and,
- 13 i. If any such document was, but no longer is, in your possession or
- 14 custody or subject to your control, describe what disposition was made of it, and give
- 15 the name, address and telephone number of the person presently having possession,
- 16 custody or control of the document.

17 5. ***Identity of Entity.*** The term “identify,” when used in reference to an entity

18 other than a natural person, means to state with respect to each such entity:

- 19 a. Full legal name or title;
- 20 b. Form of business (i.e. profit corporation, partnership);
- 21 c. Complete business location and mailing address;
- 22 d. Telephone and facsimile numbers;
- 23 e. State of incorporation or juridical organization;

f. Address of headquarters of principal place of business; and,

g. Relationship to you.

6. ***Knowledge or Information.*** Where your knowledge or information in your possession is requested, that request includes knowledge of your agents, representatives, employees and attorneys. When the answer is made by a corporate defendant, the name, address and title of the person supplying the information and the source of such person's information must be included as well.

7. ***Sources of Information.*** The phrase “state the source of your information” means to identify the person and the documents from which the information was obtained where your answers are not based upon your own first-hand information.

8. ***Person.*** “Person” means, without limitation, any natural person, proprietorship, companies, firms, corporations, partnerships, limited liability companies, independent contractors, groups, associations, joint ventures, associations, trusts, estates, communities, agencies, institutions, labor unions, or any form of business, social or legal entity, including governmental subdivisions.

9. ***You/Defendant.*** “You” means SUNBELT RENTALS, INC., located at 2341 Deerfield Dr, Fort Mill, South Carolina 29f715-8298 at its 17950 Redmond Way, Redmond, Washington 98052 location, and its attorneys, agents, employees, officers, representatives, adjusters, investigators and all other persons who are in possession of or who have obtained information on your behalf.

10. ***And/or.*** “And” or “or” means “and/or,” with the singular form being deemed to include the plural and vice versa.

11. ***“He”*** or any other masculine, feminine or neuter pronoun means any individual,

1 regardless of sex or entity, to whom the interrogatory or request for production would  
2 otherwise apply.

3 12. ***“Relating to”*** means to be relevant in any way to the subject matter in questions,  
4 including without limitation all information that directly or indirectly contains, describes,  
5 records summarizes, evaluates, refers to, is pertinent to, comments upon, or discusses the  
6 subject matter or that states the background of, or was the basis for, or that records, evaluates,  
7 was referred to, relied upon, used generated, transmitted, or receive din arriving at any  
8 conclusion, opinion, estimate, position, decision, belief, or assertion concerning the subject  
9 matter.

10 13. ***“Any”*** should be understood in either its most or least inclusive sense as  
11 necessary to bring within the scope of the discovery request all responses that might otherwise  
12 be construed to be outside of its scope.

13 14. ***“Claim”*** means a demand or assertion, whether oral or written, formal or  
14 informal, by any person for monetary payment, the undertaking of action, or the cessation of  
15 action.

16 15. ***“Complaint”*** or ***“comment”*** (e.g., about retaliation, harassment or  
17 discrimination) means any statement, whether or not specifically denominated as a complaint  
18 or comment, which could reasonably be considered or construed to be a comment or complaint  
19 concerning harassment or discrimination based on any protected class or activity, including  
20 but not limited to, a person’s race, color, national origin, sex, sexual orientation, religion,  
21 disability, military service or status, taking designated medical leave, reporting regulatory or  
22 safety violations, or any other harassment, discrimination or retaliation on any basis alleged  
23 herein, including retaliation on any protected or illegal basis whatsoever.

1           16.     “***Discrimination***” includes discrimination on any protected basis, and is not  
2 limited to tangible or adverse employment actions, and shall also mean acts of harassment  
3 whether or not such acts actually constitute a hostile working environment.

4           17.     “***Personnel File***” means all records pertaining to a person’s employment,  
5 including but not limited to those relating to duties, salary, promotions, evaluations, discipline,  
6 grievances, benefits, discharge, resignation, suspensions, training, layoff or retirement, or any  
7 other aspect of the person’s employment, whether or not maintained in a compilation or  
8 collection referred to as a “personnel file.” It shall also include, not only the official “personnel  
9 file” of any Defendant corporation or agency, but also all supervisor’s desk files and any other  
10 documents or records containing such information. Each such separate portion of the  
11 personnel file shall be produced in its entirety, including with folder tabs and labels, so that the  
12 origin or source of said files and documents is preserved and can be identified.

13           18.     All documents, including records, files, e-mails, correspondence, and  
14 memorandum, stored electronically must be produced in its native format, including all  
15 metadata.

16           19.     The use of the singular form of any word includes the plural and vice versa. The  
17 masculine includes the feminine and neuter genders. The past tense includes the present tense  
18 where the clear meaning is not distorted by change of tense. “And” as well as “or” shall be  
19 construed disjunctively or conjunctively as necessary to bring within the scope of the request  
20 all responses that otherwise might be construed to be outside the scope. “Include” and  
21 “including” and variations thereof shall not be interpreted in terms of limitations but shall be  
22 deemed to be followed by the words “without limitation.” “Any” shall be construed as  
23 synonymous with “every and “all” and shall be all-inclusive.





**5. Documents No Longer in Possession of Respondent/Destroyed Documents:**

If any responsive document is no longer in your possession, custody or control, produce a description of each such document. The description shall include the following:

- a. Name of each author, sender, creator, and initiator of such document;
- b. Name of each recipient, addressee, or party for whom such document
- c. Date the document was created;
- d. Date(s) the document was in use;
- e. Detailed description of the content of the document;
- f. Reason it is no longer in your possession, custody, or control; and,
- g. Current location of the document.

6. **Duty to Supplement:** The Request imposes a continuing duty on you to produce promptly any responsive document, information, or item that comes into your knowledge, possession, custody, or control after your initial production of responses to the requests. You are also required to amend your responses if you discover a previous response was incorrect or incomplete.

**DATED** February 19, 2021.

**AKW LAW, P.C.**

/s/ Ada K. Wong

/s/ *Jordan T. Wada*

Ada K. Wong, WSBA #45936

Jordan T. Wada, WSBA #54937

Attorneys for Plaintiff

6100 219<sup>th</sup> St. SW, Suite 480

Mountlake Terrace, WA 98043

Tel.: (206) 259-1259

**PLAINTIFF'S FOURTH SET OF REQUESTS FOR PRODUCTION TO  
DEFENDANT SUNBELT RENTALS, INC. - 9**

Case No. 2:20-cv-00564-TSZ

**AKW LAW, P.C.**

6100 219<sup>th</sup> St. SW, Suite 480

Mountlake Terrace, WA 98043

Tel. (206) 259-1259 / Fax (855) 925-9529

Fax: (855) 925-9529

E-mail: [ada@akw-law.com](mailto:ada@akw-law.com)

E-mail: [jordan@akw-law.com](mailto:jordan@akw-law.com)

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**REQUESTS FOR PRODUCTION OF DOCUMENTS****REQUEST FOR PRODUCTION NO. 1:**

Please produce a copy of any and all documents related to the text conversation and/or thread as related to SB/Horman-DEF00494-95. This includes producing all conversation between the individuals in this conversation/thread. If this has been previously produced in its entirety, please provide full bates numbers.

**RESPONSE:****REQUEST FOR PRODUCTION NO. 2:**

Please produce a copy of any and all documents related to attendance issues at the Redmond Center where PLAINTIFF worked. (*See* SB/Horman-DEF00334 for relevance). If Brent Johnson was the sole author of SB/Horman-DEF00334, then scope of this Request is limited to the time period of this Request is limited to when he became PLAINTIFF's manager in or around Fall 2018 for all employees Mr. Johnson supervised/managed/oversaw to present. If Brent Johnson was not the sole author of SB/ Horman-DEF00334, then the scope of this Request is limited to the last five (5) years for employees at the Redmond Center in the Operations Department. (*See* SB/Horman-DEF00233 as related to "Operations Department").

**RESPONSE:****REQUEST FOR PRODUCTION NO. 3:**

1 Please produce financial documents regarding Defendant SUNBELT RENTALS,  
2 INC.'s Redmond location, including revenue, profits, and losses (including but not limited to  
3 business assessments, cash flow statements, balance sheets, profit and loss statements, tax  
4 filings, accounts receivable, and accounts payable) for the years of 2018 and 2019. This goes  
5 to Defendant's undue burden defense.

6 **RESPONSE:**

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9 **REQUEST FOR PRODUCTION NO. 4:**

10 Please produce a copy of any non-privileged written statements, interviews,  
11 correspondence, audio and/or video recordings, etc., concerning or relating to, in any respect,  
12 the allegations or claims made in PLAINTIFF's Complaint and/or DEFENDANT's Answer  
13 and Affirmative Defenses.

14 **RESPONSE:**

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17 **REQUEST FOR PRODUCTION NO. 5:**

18 Please produce a copy of all "Documentation Regarding Plaintiff's Employment with  
19 Sunbelt" as identified in DEFENDANT's June 29, 2020 Initial Disclosures.

20 **RESPONSE:**

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23 **DATED** February 19, 2021.

**AKW LAW, P.C.**

/s/ Ada K. Wong

/s/ Jordan T. Wada

Ada K. Wong, WSBA #45936

Jordan T. Wada, WSBA #54937

Attorneys for Plaintiff

6100 219<sup>th</sup> St. SW, Suite 480

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E-mail: [jordan@akw-law.com](mailto:jordan@akw-law.com)

**ATTORNEY CERTIFICATION**

The undersigned counsel for defendant hereby certifies Defendant's responses pursuant to Federal Rule of Civil Procedure 26(g).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Shane P. Cramer, WSBA #35099  
Attorney for Defendant

\_\_\_\_\_  
Patricia J. Hill, FL Bar #0091324  
Yash B. Dave, FL Bar #0068573  
*Pro hac vice Counsel for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On February 19, 2021, I caused a copy of the foregoing to be served on the parties listed below in the manner specified below:

Shane P. Cramer Harrigan Leyh Farmer & Thomsen LLP 999 Third Avenue, Suite 4400 Seattle, WA 98104 E-mail: <a href="mailto:shanec@harriganleyh.com">shanec@harriganleyh.com</a> Attorneys for Defendant Sunbelt Rentals, Inc.	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	<b>VIA E-MAIL/E-FILE</b> <b><i>Per 5/21/2020 Stipulation</i></b> <b><i>Regarding Electronic Service</i></b>
Patricia J. Hill Yash B. Dave Smith, Gambrell & Russell, LLP 50 North Laura Street, Suite 2600 Jacksonville, FL 32202 E-mail: <a href="mailto:pjhill@sgrlaw.com">pjhill@sgrlaw.com</a> E-mail: <a href="mailto:ydave@sgrlaw.com">ydave@sgrlaw.com</a> E-mail: <a href="mailto:cmars@sglaw.com">cmars@sglaw.com</a> Pro hac vice Counsel for Defendant Sunbelt Rentals, Inc.	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	<b>VIA E-MAIL/E-FILE</b> <b><i>Per 5/21/2020 Stipulation</i></b> <b><i>Regarding Electronic Service</i></b>
Isabel Johnson LAW OFFICE OF ISABEL S. JOHNSON, PLLC 748 Market Street #15 Tacoma WA 98402 E-mail: <a href="mailto:isabel@isjlaw.com">isabel@isjlaw.com</a> Co-Counsel for Plaintiff	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	<b>VIA E-MAIL/E-FILE</b> <b><i>Per 2/8/2021 Supplemental</i></b> <b><i>Stipulation Regarding Electronic</i></b> <b><i>Service</i></b>



1 Dated February 19, 2021, at Mountlake Terrace, Washington.

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/s/ Kaila A. Eckert

Kaila A. Eckert, Paralegal

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